

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

UNITED STATES OF AMERICA,)	
)	
v.)	CR410-099
)	
WAYNE MUNGIN,)	
)	
Defendant)	

REPORT AND RECOMMENDATION

On February 8, 2019, the Court found defendant Wayne Mungin was “suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to assist properly in his defense. . . .” Doc. 123, *adopted* doc. 124. Mungin was, therefore, committed to the custody of the Attorney General for treatment in accordance with 18 U.S.C. § 4241(d). Doc. 124 at 1. The Court further directed the director of the facility in which defendant would be confined to notify the Court, pursuant to 18 U.S.C. § 4241(e), when he recovered to the extent that he would be able to understand the nature and consequences of the proceedings against him and to assist properly in his defense. *Id.* at 2. The director of the facility has so notified the Court. Doc. 133.

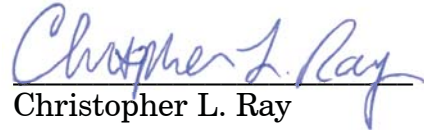
Both defendant and the government stipulate to the report's findings. Doc. 134 (Defendant's stipulation); doc. 135 (Government's stipulation). The Court concurs with the report's undisputed findings and concludes that Mungin is no longer presently suffering from a mental disease or defect rendering him mentally incompetent to stand trial. It is therefore **RECOMMENDED** that defendant be found competent to stand trial pursuant to 18 U.S.C. § 4241.

This R&R is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are

advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; *see Symonette v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO ORDERED, this 29th day of May, 2020.



Christopher L. Ray
United States Magistrate Judge
Southern District of Georgia